

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

United States of America

v.

Brian Foster

Date of Original Judgment: 12/30/2022Date of Previous Amended Judgment: N/A

(Use Date of Last Amended Judgment if Any)

Case No: 7:21-CR-00048-008USM No: 67753-509Alfreda Lynette Sheppard

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)(Amendment 821)**

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by Amendment 821 to the *United States Sentencing Guidelines*, and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 136 months is reduced to 108.

Brian Foster was originally sentenced on December 29, 2022, to a term of 136 months imprisonment and a five-year term of supervised release, for the offense of Possession of Methamphetamine with Intent to Distribute. His Total Offense Level was determined to be 31 with a Criminal History Category II. He presently has a projected release date of September 1, 2031.

Based on Part A of Amendment 821 of the *United States Sentencing Guidelines*, which eliminated "status points" for being under a criminal justice sentence at the time of the instant offense for defendants with six or less criminal history points, the defendant is eligible for a reduction in his criminal history score. Such reduction would result in a Criminal History Category I. Based on a Total Offense Level 31 and a Criminal History Category I, the guideline imprisonment range will be 108 to 135 months.

The government agrees the defendant is eligible for relief. Therefore, the Court grants the sentence reduction, and the new imprisonment sentence imposed would be reduced to 108 months.

Except as otherwise provided, all provisions of the judgment dated 12/30/2022 shall remain in effect.

IT IS SO ORDERED.Order Date: 1/22/2024


Judge's signature

Effective Date: 02/01/2024
(if different from order date)

W. Louis Sands, Senior U.S. District Judge
Printed name and title